

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

TUESDAY, THE ELEVENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 76 of 2005

Between:

M/s.Sri Venkateshwara Service Station,

Indian Oil Dealer, H.No.1-52/A,
Madhapur, Ranga Reddy District,

rep.by its Managing partner,
Smt.G.Padmavathi, W/o.Sri G.Venugopal Rao.

..... PETITIONER

AND

Indian Oil Corporation Ltd.,

rep.by its Divisional Retail Sales Manager,

Naspur House.3-6-436,
Himyathnagar, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the Respondent in passing the impugned order vide Ref:SDO/R/161, Dt;06-01-2005 as arbitrary, illegal and volatile of Article 14 and 21 of the Constitution of India, consequently set-aside the same and pass such other order or orders.

Counsel for the Petitioner: MR.D.JAGAN MOHAN REDDY

Counsel for the Respondent: MR.P.V.SANJAY KUMAR

The Court at the admission stage made the following :

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ORDER:

Heard the learned counsel for the petitioner and also the learned Standing Counsel for the respondent-Corporation at length.

Having regard to the fact that Clause-67 of the agreement provides the resolution of disputes through arbitration, including the action taken for violation of the Marketing Discipline Guidelines, the provisions of Arbitration and Conciliation Act, 1996 are made applicable to the arbitration proceedings. The petitioner is at liberty to invoke the arbitration clause and can move the appropriate forum under Section 9 of the Arbitration and Conciliation Act, 1996 pending resolution of the disputes within the parties.

In view of the effective alternative remedy available to the petitioner, this Court is not inclined to go into the validity or otherwise of the order passed by the respondent in terminating the dealership agreement to the petitioner. If petitioner invoked the arbitration clause and matter is referred to arbitrator, he shall make an endeavor to dispose of the same as expeditiously as possible preferably within a period of three months.

Accordingly, the Writ Petition is disposed of. No costs.

Prv/Va

To

1. The Divisional Retail Sales Manager,

Indian Oil Corporation Ltd.,

Naspur House.3-6-436,
Himyathnagar, Hyderabad.

2. Two CD copies.